

# EXHIBIT 1

Page 1

UNITED STATES BANKRUPTCY COURT OF NEW JERSEY

Case No. 23-12825

- - - - - x

In re: :

:

LTL MANAGEMENT LLC, :

:

Debtor, :

- - - - - -x

LTL MANAGEMENT LLC, :

:

Plaintiff, :

:

v. :

:

THOSE PARTIES LISTED ON APPENDIX A :

TO COMPLAINT and JOHN AND JANE DOES:

1-1000, :

:

Defendants. :

- - - - - -x

April 17, 2023

1:12 p.m.

7 Times Square

New York, NY

VIDEOTAPED AND REMOTE DEPOSITION UPON  
ORAL EXAMINATION OF ANDY BIRCHFIELD, ESQ., held  
at the above-mentioned time and place, before  
Randi Friedman, a Registered Professional  
Reporter, within and for the State of New York.

<p style="text-align: right;">Page 2</p> <p>1 A. Birchfield, Esq. 2 APPEARANCES: 3 OTTERBOURG, P.C. 4 Attorneys for Proposed counsel for the 5 official committee of talc claimants 6 230 Park Avenue 7 New York, New York 10169 8 9 BY: RICHARD G. HADDAD, ESQ. 10 11 12 GOLOMB SPIRT GRUNFELD 13 Attorneys for TCC 14 1835 Market Street, Suite 2900 15 Philadelphia, Pennsylvania 19103 16 17 BY: RICHARD M. GOLOMB, ESQ. 18 19 20 LEVIN PAPANTONIO RAFFERTY 21 Attorneys for William Henry 22 316 South Baylen Street 23 Pensicola, Florida 32502 24 25 BY: CHRISTOPHER V. TISI, ESQ. 26 27 28 BEASLEY ALLEN 29 Attorneys for Alishia Landrum 30 218 Commerce Street 31 Montgomery Alabama 36104 32 33 BY: LEIGH O'DELL, ESQ. 34 35 36 (Appearances continued.)</p>	<p style="text-align: right;">Page 4</p> <p>1 A. Birchfield, Esq. 2 (Appearances continued.) 3 4 KLEHR HARRISON HARVEY BRANZBURG, LLP 5 Attorneys for Andy Birchfield, Esq. 6 10000 Lincoln Drive East, Suite 201 7 Marlton, New Jersey 08053 8 9 BY: CAROL ANN SLOCUM, ESQ. 10 11 12 * * * 13 14 15 16 17 18 19 20 ALSO PRESENT: 21 Paul Baker - Videographer 22 Jerry Curran - Concierge 23 Ted Meadows, Esq. 24 Jim Murdica, Esq. 25</p>
<p style="text-align: right;">Page 3</p> <p>1 A. Birchfield, Esq. 2 (Appearances continued.) 3 COHEN, PLACITELLA &amp; ROTH 4 Attorneys for Estate of Kimberly 5 Naranjo 6 127 Maple Avenue 7 Red Bank, New Jersey 07701 8 9 BY: CHRISTOPHER PLACITELLA, ESQ. 10 11 12 13 JOHNSON &amp; JOHNSON 14 Attorneys for Johnson &amp; Johnson 15 1 Johnson &amp; Johnson Plaza 16 New Brunswick, New Jersey 08933 17 18 BY: ERIC HAAS, ESQ. 19 20 21 SKADDEN ARPS SLATE MEAGHER &amp; FLOM, LLP 22 Attorneys for LTL Management 23 One Manhattan West 24 New York, New York 10001 25 26 BY: ALLISON BROWN, ESQ. 27 28 29 WHITE &amp; CASE, LLP 30 Attorneys for Johnson &amp; Johnson 31 555 South Flower Street, Sute 2700 32 Los Angeles, California 90071 33 34 BY: GREGORY STARNER, ESQ. 35 KATHRYN KUETHMAN, ESQ. 36 37 38 (Appearances continued.)</p>	<p style="text-align: right;">Page 5</p> <p>1 A. Birchfield, Esq. 2 STIPULATIONS 3 IT IS HEREBY STIPULATED AND AGREED, by 4 and among counsel for the respective parties 5 hereto, that the filing, sealing and 6 certification of the within deposition shall be 7 and the same are hereby waived; 8 IT IS FURTHER STIPULATED AND AGREED 9 that all objections, except as to form of the 10 question, shall be reserved to the time of the 11 trial; 12 IT IS FURTHER STIPULATED AND AGREED 13 that the within deposition may be signed before 14 any Notary Public with the same force and effect 15 as if signed and sworn to before the Court. 16 * * * 17 18 19 20 21 22 23 24 25</p>

<p style="text-align: right;">Page 6</p> <p>1 A. Birchfield, Esq.</p> <p>2 MR. VIDEOGRAPHER: Good afternoon. 13:12:46</p> <p>3 We are going on the record at 1:12 p.m. 13:12:47</p> <p>4 Eastern Daylight Time on Monday, April 17th, 13:12:51</p> <p>5 2023. 13:12:54</p> <p>6 Please note that the microphones 13:12:56</p> <p>7 are sensitive and may pick up whispering and 13:12:58</p> <p>8 private conversation. Please mute all 13:13:02</p> <p>9 cellphones at this time. 13:13:04</p> <p>10 This is Media Unit 1 of the 13:13:05</p> <p>11 video-recorded deposition of Andy Birchfield 13:13:06</p> <p>12 in the matter of LTL Management LLC, filed 13:13:08</p> <p>13 in the United States Bankruptcy Court, 13:13:13</p> <p>14 District of New Jersey, Case No. 23-12825. 13:13:14</p> <p>15 This deposition is being held at Brown 13:13:21</p> <p>16 Rudnick LLP, located at 7 Times Square, New 13:13:23</p> <p>17 York, New York. 13:13:26</p> <p>18 My name is Paul Baker and I am the 13:13:28</p> <p>19 videographer. The court reporter is Randi 13:13:29</p> <p>20 Friedman, and we are both from Veritext. 13:13:31</p> <p>21 Appearances have been noted on the 13:13:34</p> <p>22 stenographic record. 13:13:36</p> <p>23 Will the court reporter please 13:13:38</p> <p>24 swear in the witness. 13:13:47</p> <p>25 13:13:47</p>	<p style="text-align: right;">Page 8</p> <p>1 A. Birchfield, Esq.</p> <p>2 A You're going to test my memory here. 13:14:22</p> <p>3 Certainly Leigh O'Dell and Ted Meadows. We have 13:14:24</p> <p>4 had over the course of the last nine years, had a 13:14:27</p> <p>5 number of law partners that have been involved as 13:14:34</p> <p>6 well. David Dearing, Ryan Beatty. We've had a 13:14:36</p> <p>7 former law partner, Daniel Mason Ward, was 13:14:42</p> <p>8 involved. Maybe other law partners that have 13:14:46</p> <p>9 been involved as well, but those are the ones 13:14:52</p> <p>10 that I can think of off the top of my head. 13:14:55</p> <p>11 Q Okay. Thank you. 13:14:57</p> <p>12 When I refer to talc-related 13:14:58</p> <p>13 litigation or talc claims or talc litigation, 13:15:00</p> <p>14 I'll be referring to the talc litigation against 13:15:03</p> <p>15 Johnson &amp; Johnson and its affiliates; okay? 13:15:07</p> <p>16 A Yes. 13:15:10</p> <p>17 Q How many individuals with talc claims 13:15:10</p> <p>18 do you and/or Beasley Allen currently represent? 13:15:13</p> <p>19 A It would be approximately 11,300. 13:15:19</p> <p>20 Q Now, Mr. Birchfield, of any of those 13:15:32</p> <p>21 11,300 individuals, are any of them claimants who 13:15:35</p> <p>22 have not yet filed their claims in any court? 13:15:42</p> <p>23 A Yes. There would be roughly -- my 13:15:46</p> <p>24 best understanding is approximately 100 that 13:15:52</p> <p>25 would have been -- would have been retained 13:15:55</p>
<p style="text-align: right;">Page 7</p> <p>1 A. Birchfield, Esq.</p> <p>2 * * * 13:13:47</p> <p>3 ANDY BIRCHFIELD, the witness 13:13:47</p> <p>4 herein, having been duly sworn, was examined 13:13:47</p> <p>5 and testified as follows: 13:13:47</p> <p>6 * * * 13:13:47</p> <p>7 EXAMINATION 13:13:47</p> <p>8 BY MR. HAAS: 13:13:47</p> <p>9 Q Mr. Birchfield, good afternoon. 13:13:48</p> <p>10 A Good afternoon. 13:13:50</p> <p>11 Q My name is Eric Haas, on behalf of 13:13:50</p> <p>12 Johnson &amp; Johnson. We've met before; correct? 13:13:53</p> <p>13 A Yes. 13:13:56</p> <p>14 Q Mr. Birchfield, you're a lawyer; 13:13:56</p> <p>15 right? 13:13:58</p> <p>16 A Yes. 13:13:58</p> <p>17 Q Are you affiliated with any law firm? 13:13:59</p> <p>18 A Beasley Allen Law Firm in Montgomery, 13:14:01</p> <p>19 Alabama. 13:14:03</p> <p>20 Q Any other law firms? 13:14:05</p> <p>21 A No. 13:14:06</p> <p>22 Q Mr. Birchfield, which of the Beasley 13:14:08</p> <p>23 Allen partners have been involved in talc 13:14:10</p> <p>24 litigation or recovery of talc-related claims 13:14:14</p> <p>25 against Johnson &amp; Johnson or its affiliation? 13:14:18</p>	<p style="text-align: right;">Page 9</p> <p>1 A. Birchfield, Esq.</p> <p>2 and -- during the time of the pendency of 13:16:00</p> <p>3 bankruptcy, and not filed. 13:16:03</p> <p>4 Q Why were they not filed? 13:16:06</p> <p>5 A Because of the pendency of the 13:16:07</p> <p>6 bankruptcy. 13:16:08</p> <p>7 Q In other words, because there was an 13:16:09</p> <p>8 automatic stay -- 13:16:10</p> <p>9 A Automatic stay. 13:16:11</p> <p>10 Q -- that precluded you from filing 13:16:11</p> <p>11 those claims? 13:16:14</p> <p>12 A Yes. 13:16:14</p> <p>13 Q Okay. Of the 11,300 claims that 13:16:15</p> <p>14 Beasley Allen represents, how many of those have 13:16:23</p> <p>15 been filed in the multi-district litigation 13:16:26</p> <p>16 pending in New Jersey? 13:16:29</p> <p>17 A I couldn't give you a precise number. 13:16:33</p> <p>18 Approximately 5,000. 13:16:35</p> <p>19 Q So of the 11,200 claims that are 13:16:47</p> <p>20 filed -- 13:16:51</p> <p>21 A Let me back up. 13:16:52</p> <p>22 Q Would you like to correct that? 13:16:54</p> <p>23 A I think it would probably be closer to 13:16:55</p> <p>24 6,000. My best estimate. 13:16:57</p> <p>25 Q Okay. So of the 11,200 claims that 13:17:03</p>

<p style="text-align: right;">Page 34</p> <p>1 A. Birchfield, Esq.</p> <p>2 what his knowledge of his practice is. 13:43:32</p> <p>3 MS. SLOCUM: That wasn't your 13:43:34</p> <p>4 question. Your question was what is the 13:43:34</p> <p>5 standard practice -- 13:43:36</p> <p>6 MR. HAAS: Right. 13:43:37</p> <p>7 MS. SLOCUM: -- of Beasley Allen. 13:43:38</p> <p>8 MR. HAAS: I'm asking as a fact 13:43:39</p> <p>9 witness. He can give me a fact opinion or 13:43:40</p> <p>10 fact testimony. 13:43:43</p> <p>11 BY MR. HAAS: 13:43:44</p> <p>12 Q So can I please have an answer to the 13:43:44</p> <p>13 question? You want me to ask it again? 13:43:47</p> <p>14 A Please. 13:43:49</p> <p>15 Q Based on your understanding, is it 13:43:50</p> <p>16 your standard practice at Beasley Allen to obtain 13:43:50</p> <p>17 claims from other firms that either aggregated 13:43:52</p> <p>18 them or otherwise obtained those claims? 13:43:57</p> <p>19 A We would enter into co-counsel 13:44:00</p> <p>20 agreements. I don't want to quibble over your 13:44:07</p> <p>21 language, but do we obtain claims, we do enter 13:44:10</p> <p>22 into co-counsel, you know, agreements with 13:44:12</p> <p>23 other -- with other law firms. 13:44:14</p> <p>24 Q Do you obtain them in any other means 13:44:18</p> <p>25 other than a co-counsel relationship? 13:44:19</p>	<p style="text-align: right;">Page 36</p> <p>1 A. Birchfield, Esq.</p> <p>2 financing arrangements with respect to those 13:45:33</p> <p>3 claims? 13:45:35</p> <p>4 A I have no idea. 13:45:37</p> <p>5 Q You have no idea whatsoever whether or 13:45:39</p> <p>6 not any of your counsel have any litigation 13:45:41</p> <p>7 financing arrangements whatsoever? 13:45:43</p> <p>8 A No, no. If that's what you asked, 13:45:45</p> <p>9 then I misunderstood. 13:45:48</p> <p>10 Q Okay. Can you please answer that 13:45:49</p> <p>11 question? 13:45:51</p> <p>12 A Do any of our co-counsel, yes. 13:45:51</p> <p>13 Q With respect to the talc claims. 13:45:54</p> <p>14 A That would be my understanding. 13:45:56</p> <p>15 Q Okay. Which of the firms that you 13:45:57</p> <p>16 obtained claims from or that are co-counsel with 13:46:00</p> <p>17 you have litigation financing arrangements? 13:46:04</p> <p>18 A That I don't know. 13:46:08</p> <p>19 Q You don't know any of the firms that 13:46:10</p> <p>20 have litigation financing arrangements? 13:46:13</p> <p>21 A Yes. I mean, I do know -- I do -- 13:46:16</p> <p>22 it's my understanding that Allen Smith would have 13:46:19</p> <p>23 a funding arrangement, but beyond that, I don't 13:46:28</p> <p>24 know of any others. I don't know one way or the 13:46:32</p> <p>25 other. 13:46:35</p>
<p style="text-align: right;">Page 35</p> <p>1 A. Birchfield, Esq.</p> <p>2 A Not that I'm aware of. 13:44:24</p> <p>3 Q Okay. So what percentage of the talc 13:44:25</p> <p>4 claims that you testified earlier were referred 13:44:29</p> <p>5 to you or have you obtained through these 13:44:34</p> <p>6 co-counsel relationships? 13:44:37</p> <p>7 A I cannot give you a definitive answer. 13:44:41</p> <p>8 It would be the majority. I mean, that's the 13:44:43</p> <p>9 nature of our -- you know, our practice. 13:44:47</p> <p>10 Q Are you aware of any other talc claims 13:44:49</p> <p>11 that you obtained from any source other than 13:44:52</p> <p>12 co-counsel? 13:44:55</p> <p>13 A Yes. I mean, there would be just 13:44:59</p> <p>14 clients that come to us directly. 13:45:02</p> <p>15 Q Do you know what percentage of the 13:45:04</p> <p>16 talc claims that would be? 13:45:06</p> <p>17 A I don't. 13:45:08</p> <p>18 Q A small percentage? 13:45:08</p> <p>19 MS. SLOCUM: Objection. 13:45:11</p> <p>20 THE WITNESS: It wouldn't be a 13:45:15</p> <p>21 majority. It would be less than a majority. 13:45:16</p> <p>22 BY MR. HAAS: 13:45:19</p> <p>23 Q To what extent, to your knowledge, did 13:45:23</p> <p>24 co-counsel who have obtained the claims and 13:45:26</p> <p>25 brought them to Beasley Allen have litigation 13:45:30</p>	<p style="text-align: right;">Page 37</p> <p>1 A. Birchfield, Esq.</p> <p>2 Q Of the 11,300 claims that Beasley 13:46:36</p> <p>3 Allen represents, how many of them came from 13:46:39</p> <p>4 Allen Smith? 13:46:43</p> <p>5 A I don't know. 13:46:44</p> <p>6 Q Is it a significant percentage? 13:46:47</p> <p>7 MS. SLOCUM: Objection, vague. 13:46:50</p> <p>8 BY MR. HAAS: 13:46:51</p> <p>9 Q You indicated he was one of the lead 13:46:55</p> <p>10 providers of claims. I'm wondering whether he's 13:46:57</p> <p>11 the largest. 13:47:00</p> <p>12 MS. SLOCUM: Objection. 13:47:02</p> <p>13 Mischaracterizes, misstates testimony. 13:47:02</p> <p>14 BY MR. HAAS: 13:47:05</p> <p>15 Q You can answer. 13:47:05</p> <p>16 A No, I don't -- I don't -- I don't know 13:47:10</p> <p>17 how many cases would have originated from Allen 13:47:14</p> <p>18 Smith. 13:47:18</p> <p>19 Q Aside from Allen Smith, are you aware 13:47:18</p> <p>20 of whether or not any other co-counsel have 13:47:20</p> <p>21 litigation financing arrangements? 13:47:27</p> <p>22 A It's my understanding that -- I mean, 13:47:39</p> <p>23 we would have, you know, some co-counsel, you 13:47:41</p> <p>24 know, arrangements with Mr. Onder, and Mr. Onder 13:47:44</p> <p>25 would have -- it's my understanding that he has a 13:47:49</p>

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<p>1 A. Birchfield, Esq.</p> <p>2 MS. SLOCUM: Objection. 14:05:19</p> <p>3 THE WITNESS: Mr. Haas, you 14:05:24</p> <p>4 understand -- you understand the evolution 14:05:26</p> <p>5 of a mass tort case and, you know, and early 14:05:27</p> <p>6 on, you know, there is a significant 14:05:31</p> <p>7 discovery period. And then you reach a 14:05:35</p> <p>8 point where you are -- you're trying more 14:05:38</p> <p>9 and more cases. We were reaching that 14:05:40</p> <p>10 point. We were reaching that tipping point 14:05:42</p> <p>11 when the first bankruptcy here was filed. 14:05:46</p> <p>12 BY MR. HAAS: 14:05:49</p> <p>13 Q Just to be clear, let me just get an 14:05:50</p> <p>14 answer to my question. From 2013 to 2021, of the 14:05:51</p> <p>15 11,300 cases that Beasley Allen represents, 14:05:57</p> <p>16 Beasley Allen has tried only 11? 14:06:02</p> <p>17 A I think -- approximately 11, yes. 14:06:08</p> <p>18 Q So during that time frame, Beasley 14:06:10</p> <p>19 Allen has tried far less than 1 percent of the 14:06:13</p> <p>20 cases it represents? 14:06:17</p> <p>21 MS. SLOCUM: Objection, asked and 14:06:19</p> <p>22 answered. 14:06:20</p> <p>23 THE WITNESS: We've tried -- we 14:06:23</p> <p>24 had tried before the bankruptcy was filed. 14:06:23</p> <p>25 We had tried approximately 11 cases. 14:06:26</p>	<p>1 A. Birchfield, Esq.</p> <p>2 A In respect to the -- I mean, I am 14:07:13</p> <p>3 the -- I manage, you know, the mass tort section 14:07:17</p> <p>4 and I supervise and manage and encourage and 14:07:22</p> <p>5 support the team of lawyers working on the cases. 14:07:24</p> <p>6 Q Okay. Notwithstanding the fact that 14:07:29</p> <p>7 you don't try the cases or litigate the cases, 14:07:38</p> <p>8 you do engage in settlement discussions regarding 14:07:42</p> <p>9 the cases; correct? 14:07:44</p> <p>10 MS. SLOCUM: Okay. I'm going 14:07:45</p> <p>11 to -- objection to the lead-in. You were 14:07:46</p> <p>12 stating testimony in the question. 14:07:51</p> <p>13 BY MR. HAAS: 14:07:52</p> <p>14 Q You can answer. 14:07:52</p> <p>15 A There is a difference between saying, 14:07:53</p> <p>16 you know, that I have not tried the cases and I 14:07:55</p> <p>17 do not try the cases. So I was -- I was 14:07:58</p> <p>18 preparing to be involved in trying the cases when 14:08:02</p> <p>19 the bankruptcy -- when the bankruptcy was filed. 14:08:06</p> <p>20 So I anticipated, you know, trying, you know, 14:08:10</p> <p>21 cases that were set for trial when the bankruptcy 14:08:15</p> <p>22 was filed. And, yes, I have engaged in, you 14:08:19</p> <p>23 know, in settlement discussions. I have -- I've 14:08:26</p> <p>24 done that in, you know, in other litigations as 14:08:32</p> <p>25 well, where I have tried cases or not tried 14:08:35</p>
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<p>1 A. Birchfield, Esq.</p> <p>2 BY MR. HAAS: 14:06:32</p> <p>3 Q When you say "we have tried," just for 14:06:33</p> <p>4 the record, Mr. Birchfield, you actually haven't 14:06:34</p> <p>5 tried any cases; right? 14:06:38</p> <p>6 A Me personally? 14:06:40</p> <p>7 Q Yes. 14:06:40</p> <p>8 A Right. That's right. 14:06:41</p> <p>9 Q And have you actually originated any 14:06:42</p> <p>10 talc cases? Have you actually gone out and 14:06:45</p> <p>11 spoken with the individual claimant and obtained 14:06:47</p> <p>12 any -- 14:06:50</p> <p>13 MS. SLOCUM: Objection. 14:06:51</p> <p>14 BY MR. HAAS: 14:06:52</p> <p>15 Q -- talc cases? 14:06:52</p> <p>16 MS. SLOCUM: Objection. 14:06:53</p> <p>17 Privileged and work product. Objection. 14:06:54</p> <p>18 Don't answer the question. 14:06:58</p> <p>19 BY MR. HAAS: 14:06:59</p> <p>20 Q So you haven't tried any of the talc 14:07:01</p> <p>21 cases. You're not going to answer whether you 14:07:04</p> <p>22 actually originated any of them. What is it that 14:07:07</p> <p>23 you actually do with respect to the talc cases? 14:07:09</p> <p>24 A What do I do? 14:07:12</p> <p>25 Q Yeah. 14:07:13</p>	<p>1 A. Birchfield, Esq.</p> <p>2 cases. 14:08:38</p> <p>3 Q Focusing just again, so the record is 14:08:39</p> <p>4 absolutely clear what we're talking about, when 14:08:41</p> <p>5 we're talking about claims or talc claims or 14:08:43</p> <p>6 talc-related claims or talc litigation, we're 14:08:46</p> <p>7 talking about litigation against J&amp;J and its 14:08:48</p> <p>8 affiliates; okay? 14:08:51</p> <p>9 A Yes. 14:08:52</p> <p>10 Q So you have acted as settlement 14:08:53</p> <p>11 counsel with respect to those claims? 14:08:55</p> <p>12 MS. SLOCUM: Objection. You're 14:08:58</p> <p>13 misstating his -- you're misstating his 14:09:01</p> <p>14 testimony. 14:09:03</p> <p>15 MR. HAAS: It's a question. 14:09:04</p> <p>16 MS. SLOCUM: He itemized what he 14:09:05</p> <p>17 has done. He didn't call himself settlement 14:09:07</p> <p>18 counsel. 14:09:09</p> <p>19 MR. HAAS: I asked him a question. 14:09:09</p> <p>20 BY MR. HAAS: 14:09:10</p> <p>21 Q You can answer the question. 14:09:11</p> <p>22 MS. SLOCUM: All right. Objection 14:09:13</p> <p>23 to form. 14:09:13</p> <p>24 THE WITNESS: Have I engaged in 14:09:16</p> <p>25 settlement negotiations, you know, yes. You 14:09:19</p>

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<p>1 A. Birchfield, Esq.</p> <p>2 know, have I labeled myself as settlement 14:09:22</p> <p>3 counsel? No. 14:09:25</p> <p>4 BY MR. HAAS: 14:09:26</p> <p>5 Q From the time these claims were first 14:09:26</p> <p>6 obtained by Beasley Allen in 2013, how many of 14:09:29</p> <p>7 the talc claims have you settled? 14:09:33</p> <p>8 A None. 14:09:40</p> <p>9 Q So just to be clear, you have settled 14:09:40</p> <p>10 none of the talc claims since 2013, you have not 14:09:43</p> <p>11 tried any of the talc claims since 2013? 14:09:48</p> <p>12 A You're speaking of me personally? 14:09:52</p> <p>13 Q You personally, yes. 14:09:53</p> <p>14 Is that correct? 14:09:56</p> <p>15 A Yes, that's true. 14:09:56</p> <p>16 Q Okay. Of the 11 cases that Beasley 14:09:57</p> <p>17 Allen actually tried, how much was actually 14:10:00</p> <p>18 recovered for the talc claimants? 14:10:04</p> <p>19 A None so far. 14:10:07</p> <p>20 Q So let me back up and make sure I 14:10:09</p> <p>21 understand your testimony. 14:10:11</p> <p>22 So since 2013, with respect to the 14:10:11</p> <p>23 11,300 claims that Beasley Allen represents, 14:10:15</p> <p>24 Beasley Allen has tried only 11 cases, not 14:10:19</p> <p>25 recovered a dime for claimants, and not settled 14:10:26</p>	<p>1 A. Birchfield, Esq.</p> <p>2 today that Mr. Watts has no fee interest in any 14:24:09</p> <p>3 of the talc claims for which Beasley Allen does 14:24:12</p> <p>4 not have a co-counsel relationship; is that 14:24:17</p> <p>5 right? 14:24:19</p> <p>6 A That would be my -- yes. 14:24:24</p> <p>7 Q Thank you. 14:24:26</p> <p>8 Now notwithstanding the fact that 14:24:27</p> <p>9 Beasley Allen has never actually reached any 14:24:30</p> <p>10 settlement relating to talc claims, when, if 14:24:34</p> <p>11 ever, Mr. Birchfield, did you have for the first 14:24:39</p> <p>12 time discussions with Johnson &amp; Johnson and any 14:24:43</p> <p>13 of its affiliates regarding the resolution of 14:24:48</p> <p>14 talc claims? 14:24:52</p> <p>15 A In April of 2020. 14:24:54</p> <p>16 Q Who did you have those discussions 14:24:58</p> <p>17 with? 14:24:59</p> <p>18 A Mr. Murdica. 14:25:00</p> <p>19 Q Anyone else? 14:25:03</p> <p>20 A Anyone else from Johnson &amp; Johnson? 14:25:04</p> <p>21 Q No. Was anyone else there involved in 14:25:06</p> <p>22 the settlement negotiations? 14:25:09</p> <p>23 A In the first discussion, it would have 14:25:13</p> <p>24 been a John Cracken and Adam Pulaski. 14:25:18</p> <p>25 Q You understand that Mr. Pulaski 14:25:25</p>
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<p>1 A. Birchfield, Esq.</p> <p>2 any of the cases; is that fair? 14:10:29</p> <p>3 A That's basically fair. 14:10:44</p> <p>4 Q Thank you. 14:10:45</p> <p>5 MR. HAAS: I'm about to go to a 14:10:47</p> <p>6 new section. Do you want to take a break? 14:10:48</p> <p>7 MS. SLOCUM: Yes. Real quick. 14:10:50</p> <p>8 MR. VIDEOGRAPHER: Please stand 14:10:54</p> <p>9 by. The time is 2:10 p.m. We are off the 14:10:54</p> <p>10 record. 14:10:57</p> <p>11 (Whereupon there was a brief 14:18:37</p> <p>12 recess.) 14:18:38</p> <p>13 MR. VIDEOGRAPHER: We are back on 14:23:33</p> <p>14 the record. The time is 2:23 p.m. 14:23:34</p> <p>15 BY MR. HAAS: 14:23:36</p> <p>16 Q Mr. Birchfield, I have one follow-up 14:23:40</p> <p>17 question to our earlier discussion today. 14:23:41</p> <p>18 Setting aside the cases for which 14:23:44</p> <p>19 Beasley Allen has a co-counsel relationship, does 14:23:47</p> <p>20 Beasley Allen have 100 percent of a fee interest 14:23:50</p> <p>21 in every talc case for which it represents talc 14:23:54</p> <p>22 claimants? 14:23:58</p> <p>23 A To the best of my -- to the best of my 14:24:04</p> <p>24 knowledge, yes. 14:24:06</p> <p>25 Q So it's your testimony as you sit here 14:24:07</p>	<p>1 A. Birchfield, Esq.</p> <p>2 supports LTL's refiling and the proposed 14:25:26</p> <p>3 settlement plan; correct? 14:25:31</p> <p>4 A That's my understanding, yes. 14:25:33</p> <p>5 Q Okay. The discussions on April -- 14:25:34</p> <p>6 excuse me, April 27, 2020, did not lead to a 14:25:40</p> <p>7 resolution at that time; correct? 14:25:44</p> <p>8 A Correct. 14:25:45</p> <p>9 Q Do you recall that in August and 14:25:47</p> <p>10 September of 2020, you had further discussions 14:25:48</p> <p>11 with Johnson &amp; Johnson's counsel regarding a 14:25:52</p> <p>12 proposal to settle all ovarian cancer claims 14:25:56</p> <p>13 through the Imerys bankruptcy? 14:26:01</p> <p>14 MS. SLOCUM: Objection. Are you 14:26:04</p> <p>15 referring to the Imerys bankruptcy 14:26:07</p> <p>16 proceeding? You're looking for settlement 14:26:11</p> <p>17 discussions regarding that? 14:26:13</p> <p>18 MR. HAAS: Do you want the 14:26:15</p> <p>19 question reread? 14:26:15</p> <p>20 MS. SLOCUM: Yes, that would be 14:26:17</p> <p>21 great. 14:26:17</p> <p>22 MR. HAAS: I can ask it again. 14:26:18</p> <p>23 BY MR. HAAS: 14:26:19</p> <p>24 Q Isn't it correct, Mr. Birchfield, that 14:26:20</p> <p>25 in August and September of 2022 you had 14:26:23</p>



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<p>1 A. Birchfield, Esq.</p> <p>2 settlement negotiations with Johnson &amp; Johnson's 14:26:28</p> <p>3 representatives in an effort to settle all 14:26:31</p> <p>4 ovarian cancer claims through the Imerys 14:26:34</p> <p>5 bankruptcy? 14:26:38</p> <p>6 MR. HADDAD: Wait. What was that? 14:26:41</p> <p>7 MR. HAAS: Would you like me to 14:26:45</p> <p>8 ask it a third time? 14:26:46</p> <p>9 MR. HADDAD: I think you repeated 14:26:47</p> <p>10 the dates, but I missed it. 14:26:49</p> <p>11 BY MR. HAAS: 14:26:50</p> <p>12 Q Mr. Birchfield, for the benefit of 14:26:51</p> <p>13 everyone, I'll go very slow. 14:26:54</p> <p>14 Is it in fact true that in August and 14:26:56</p> <p>15 September of 2020, you had discussions with 14:26:58</p> <p>16 Johnson &amp; Johnson's representatives with respect 14:27:04</p> <p>17 to a proposal to settle all ovarian cancer talc 14:27:07</p> <p>18 claims through the Imerys bankruptcy? 14:27:13</p> <p>19 A So I -- a couple things that I need 14:27:19</p> <p>20 to -- I'm going to need to address here. I mean, 14:27:21</p> <p>21 one is, it would not have been a settlement. It 14:27:24</p> <p>22 would have been a settlement proposal. And, yes, 14:27:30</p> <p>23 I did have -- you know, I did have discussions 14:27:34</p> <p>24 with Mr. Murdica, but I can't really go beyond 14:27:38</p> <p>25 that because then we're talking about, you know, 14:27:45</p>	<p>1 A. Birchfield, Esq.</p> <p>2 role on behalf of J&amp;J, to settle all the ovarian 14:29:00</p> <p>3 cancer claims, both current and future, for 14:29:03</p> <p>4 \$3.25 billion; right? 14:29:08</p> <p>5 MR. HADDAD: Objection to the 14:29:12</p> <p>6 form. 14:29:12</p> <p>7 MS. SLOCUM: Objection. 14:29:12</p> <p>8 THE WITNESS: I would have to -- I 14:29:17</p> <p>9 would have to -- I can't say that with 14:29:18</p> <p>10 certainty. I mean, there was -- you know, 14:29:24</p> <p>11 there was a discussion, but I can't say that 14:29:26</p> <p>12 with certainty. 14:29:29</p> <p>13 BY MR. HAAS: 14:29:30</p> <p>14 Q Would it be helpful to see the 14:29:31</p> <p>15 confidential settlement term sheet for the 14:29:35</p> <p>16 resolution of talc claims that you sent to 14:29:35</p> <p>17 Mr. Murdica to refresh your recollection? 14:29:38</p> <p>18 A I'll look at it if you want me to look 14:29:42</p> <p>19 at it. 14:29:44</p> <p>20 Q Okay. 14:29:45</p> <p>21 MR. HAAS: For the record, and for 14:30:33</p> <p>22 the videographer, we are marking as 14:30:35</p> <p>23 Birchfield Deposition Exhibit No. 1 what is 14:30:41</p> <p>24 reflected in Tab 30 and Tab 31 of the 14:30:45</p> <p>25 documents in the queue, and I ask you to put 14:30:53</p>
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<p>1 A. Birchfield, Esq.</p> <p>2 the Imerys bankruptcy and the committee -- you 14:27:47</p> <p>3 know, the committee effort, and that is -- that's 14:27:50</p> <p>4 confidential. 14:27:54</p> <p>5 Q I'm sorry. What's the nature of your 14:27:57</p> <p>6 objection? 14:27:58</p> <p>7 A I cannot get into discussions about, 14:28:00</p> <p>8 you know, the Imerys committee. 14:28:03</p> <p>9 Q I'm not asking about the Imerys 14:28:06</p> <p>10 committee. I'm asking about the settlement 14:28:08</p> <p>11 proposal you just referenced. 14:28:10</p> <p>12 A You asked me if I had a discussion 14:28:12</p> <p>13 with Mr. Murdica, and I said yes. And then -- 14:28:15</p> <p>14 but I said going beyond that is problematic 14:28:19</p> <p>15 because of the workings -- 14:28:22</p> <p>16 Q I will ask you about the settlement 14:28:25</p> <p>17 proposal that you made to Mr. Murdica before you 14:28:26</p> <p>18 submitted it to the Imerys bankruptcy committee, 14:28:29</p> <p>19 so why don't we focus there and we can talk about 14:28:33</p> <p>20 the committee, and you can make whatever -- or 14:28:37</p> <p>21 your counsel can make whatever objections or 14:28:40</p> <p>22 instructions she chooses. 14:28:43</p> <p>23 So it's fair to say -- let me be more 14:28:48</p> <p>24 specific. On September 5th, 2020, you made a 14:28:50</p> <p>25 proposal to Mr. Murdica on behalf of J&amp;J, in his 14:28:54</p>	<p>1 A. Birchfield, Esq.</p> <p>2 those into the queue for public review. 14:30:57</p> <p>3 MR. CONCIERGE: What's being 14:31:05</p> <p>4 entered now is Exhibit 1 that has been 14:31:06</p> <p>5 introduced. 14:31:09</p> <p>6 (Exhibit Birchfield 1 was marked.) 14:31:10</p> <p>7 MR. CONCIERGE: Tab 31 will be 14:31:17</p> <p>8 introduced as Exhibit 2. 14:31:18</p> <p>9 (Exhibit Birchfield 2 was marked.) 14:31:19</p> <p>10 MR. CONCIERGE: Both documents 14:31:40</p> <p>11 should be in the marked folder and 14:31:41</p> <p>12 available. 14:31:43</p> <p>13 BY MR. HAAS: 14:31:55</p> <p>14 Q So, Mr. Birchfield, take a look at 14:31:56</p> <p>15 what we've marked as Birchfield Deposition 14:31:58</p> <p>16 Exhibit No. 1. The first document is a cover 14:32:00</p> <p>17 email from yourself to Mr. Murdica dated 14:32:04</p> <p>18 September 5th, 2020. It attaches a confidential 14:32:06</p> <p>19 settlement term sheet dated September 4th, 2020, 14:32:14</p> <p>20 that is a total of 58 pages long, including 14:32:28</p> <p>21 exhibits. And when you're ready, please let me 14:32:33</p> <p>22 know and I'll ask you the follow-up questions. 14:32:35</p> <p>23 A Okay. 14:33:53</p> <p>24 Q Okay. So let's go back to the 14:33:54</p> <p>25 question that was pending. 14:33:55</p>



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<p>1 A. Birchfield, Esq.</p> <p>2 Based upon your review of the 14:33:56</p> <p>3 document, Mr. Birchfield, does this reflect your 14:33:58</p> <p>4 recollection that in September of 2020 you 14:34:01</p> <p>5 proposed to Johnson &amp; Johnson, through its 14:34:04</p> <p>6 representative, Mr. James Murdica, to settle all 14:34:10</p> <p>7 ovarian cancer claims, both current and future, 14:34:13</p> <p>8 through the Imerys bankrupt bankruptcy for a 14:34:15</p> <p>9 total of 3.25 billion? 14:34:18</p> <p>10 A So I submitted -- I submitted this 14:34:23</p> <p>11 proposal. That is true. 14:34:26</p> <p>12 Q And if you look at Page 6, Section 14:34:27</p> <p>13 bb., there's a number. I'll ask you again, isn't 14:34:32</p> <p>14 it correct that in September of 2020, you made a 14:34:36</p> <p>15 proposal to J&amp;J to settle all ovarian cancer 14:34:40</p> <p>16 claims, both current and future, for a total 14:34:43</p> <p>17 amount of \$3.25 billion? 14:34:46</p> <p>18 A Yes, that is -- that's the amount 14:34:50</p> <p>19 here. There are other provisions, you know, in 14:34:52</p> <p>20 here that would be important as well, but yes, 14:34:54</p> <p>21 that is the case. It says what it says. 14:34:59</p> <p>22 Q Are you finished? 14:35:03</p> <p>23 A Yes. 14:35:04</p> <p>24 Q Indeed, the \$3.25 billion that you 14:35:05</p> <p>25 offered in 2020 to resolve all the ovarian cancer 14:35:09</p>	<p>1 A. Birchfield, Esq.</p> <p>2 MS. SLOCUM: Objection. 14:36:30</p> <p>3 MR. HADDAD: Objection to the 14:36:31</p> <p>4 form. 14:36:32</p> <p>5 MS. SLOCUM: Objection to form. 14:36:32</p> <p>6 And it misstates what your proposal states. 14:36:33</p> <p>7 BY MR. HAAS: 14:36:38</p> <p>8 Q You may answer the question. 14:36:39</p> <p>9 A This is a -- this is a vastly 14:36:40</p> <p>10 different proposal than what is -- than what is 14:36:43</p> <p>11 being proposed by J&amp;J today. 14:36:48</p> <p>12 Q You would agree with me that 14:36:52</p> <p>13 3.25 billion is less than 50 percent of 14:36:53</p> <p>14 6.9 billion; correct? 14:36:57</p> <p>15 A That is true. 14:37:00</p> <p>16 Q Thank you. 14:37:01</p> <p>17 So let's walk through the other 14:37:01</p> <p>18 salient aspects of the proposal. In this offer 14:37:03</p> <p>19 that you made, Beasley Allen was to act as 14:37:07</p> <p>20 settlement counsel of record on behalf of all 14:37:10</p> <p>21 lawyers that elected to participate in the 14:37:13</p> <p>22 transaction, and I'll refer you to Page 7, 14:37:17</p> <p>23 subsection bb., among others, if you would like. 14:37:19</p> <p>24 MR. HADDAD: Objection to the form 14:37:31</p> <p>25 if that was a question. If it was not a 14:37:32</p>
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<p>1 A. Birchfield, Esq.</p> <p>2 claims, both current and future, is a far smaller 14:35:14</p> <p>3 amount than the 6.9 billion that LTL is proposing 14:35:19</p> <p>4 to resolve the ovarian cancer claims in this 14:35:25</p> <p>5 matter; right? 14:35:27</p> <p>6 MS. SLOCUM: Objection to form. 14:35:29</p> <p>7 THE WITNESS: If your question is, 14:35:30</p> <p>8 you know, is 3.25 less than 6. whatever, 14:35:31</p> <p>9 yes, it is, but we're talking about -- we're 14:35:36</p> <p>10 talking about a much different situation 14:35:39</p> <p>11 today than we were in September of -- 14:35:45</p> <p>12 September of '20 -- you know, 2020, when 14:35:47</p> <p>13 this proposal, you know, was made. 14:35:51</p> <p>14 A guiding principle, a guiding 14:35:54</p> <p>15 principle throughout the entire course of 14:35:57</p> <p>16 settlement negotiations on my part has been 14:36:01</p> <p>17 a focus on a fair and reasonable settlement 14:36:04</p> <p>18 amount per claimant. 14:36:07</p> <p>19 BY MR. HAAS: 14:36:10</p> <p>20 Q Indeed, the \$3.25 billion that you 14:36:11</p> <p>21 were willing to settle all ovarian claims, both 14:36:13</p> <p>22 current and future, in 2020 is less than 14:36:18</p> <p>23 50 percent of what LTL is now offering to resolve 14:36:20</p> <p>24 all current and future ovarian cancer claims; 14:36:26</p> <p>25 correct? 14:36:29</p>	<p>1 A. Birchfield, Esq.</p> <p>2 question, then I don't object. 14:37:35</p> <p>3 BY MR. HAAS: 14:37:42</p> <p>4 Q Let me know when you're ready, 14:37:45</p> <p>5 Mr. Birchfield. 14:37:46</p> <p>6 A Okay. So I'm sorry, what -- 14:37:48</p> <p>7 Q In your settlement proposal you 14:37:55</p> <p>8 proposed to have Beasley Allen act as settlement 14:37:57</p> <p>9 counsel of record acting on behalf of all other 14:37:59</p> <p>10 lawyers representing participating claimants; 14:38:02</p> <p>11 right? 14:38:04</p> <p>12 A What are you referring to? 14:38:04</p> <p>13 Q I'm asking you if that's your 14:38:05</p> <p>14 understanding. 14:38:09</p> <p>15 A I cannot say that. There have been -- 14:38:12</p> <p>16 there's been a tremendous amount of, you know, 14:38:19</p> <p>17 discussions between September '20 and today, and 14:38:21</p> <p>18 so I just don't want to -- 14:38:28</p> <p>19 Q Let me see if I can refresh your 14:38:31</p> <p>20 recollection. So if you would turn to Page 7, 14:38:33</p> <p>21 subparagraph B(b), it defines settling counsel. 14:38:35</p> <p>22 I'll read for the record, "Settling counsel 14:38:39</p> <p>23 refers to Beasley Allen and every law firm that 14:38:43</p> <p>24 agrees to this term sheet and evidences its 14:38:45</p> <p>25 agreement by timely producing to Beasley Allen 14:38:50</p>

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<p>1 A. Birchfield, Esq.</p> <p>2 A That's true. 14:47:39</p> <p>3 Q Okay. And in connection with this 14:47:40</p> <p>4 proposal, you also prepared a matrix in order to 14:47:42</p> <p>5 assess how the ovarian claims could be paid under 14:47:47</p> <p>6 the proposed offer; correct? 14:47:54</p> <p>7 MR. HADDAD: Objection to the 14:47:56</p> <p>8 form. 14:47:56</p> <p>9 THE WITNESS: Show me where you're 14:47:58</p> <p>10 referring to. 14:47:59</p> <p>11 BY MR. HAAS: 14:48:00</p> <p>12 Q I'm just asking you. Let me ask it 14:48:00</p> <p>13 differently, Mr. Birchfield, to try to help move 14:48:02</p> <p>14 things along. 14:48:05</p> <p>15 Do you recall that you prepared a 14:48:06</p> <p>16 matrix in connection with this offer that 14:48:07</p> <p>17 proposed how the ovarian claims could be paid? 14:48:11</p> <p>18 A I do not specifically remember whether 14:48:18</p> <p>19 it was in connection with this or not. 14:48:22</p> <p>20 Q Do you recall at some point in time 14:48:23</p> <p>21 preparing a matrix that would specify how the 14:48:24</p> <p>22 ovarian cancer claims would be paid? 14:48:28</p> <p>23 MS. SLOCUM: Objection on the 14:48:29</p> <p>24 basis of privilege and work product, to the 14:48:31</p> <p>25 extent that this pertains to a time other 14:48:34</p>	<p>1 A. Birchfield, Esq.</p> <p>2 work product and privilege to the extent 14:49:17</p> <p>3 that it pertains to a time other than 14:49:18</p> <p>4 September 4 and September 5, 2020. 14:49:21</p> <p>5 MR. HAAS: Are you finished? 14:49:23</p> <p>6 MS. SLOCUM: Yes. 14:49:25</p> <p>7 MR. HAAS: That's not a proper 14:49:26</p> <p>8 objection. The proper objection is you 14:49:27</p> <p>9 can't answer to the extent that it calls for 14:49:28</p> <p>10 work product or attorney product -- attorney 14:49:31</p> <p>11 product protection or some other privilege. 14:49:35</p> <p>12 He can answer to the extent that it doesn't. 14:49:39</p> <p>13 It doesn't to the extent that he 14:49:41</p> <p>14 communicated it. So let me ask it this way 14:49:43</p> <p>15 to cut through it all: 14:49:45</p> <p>16 BY MR. HAAS: 14:49:46</p> <p>17 Q Mr. Birchfield, did there come a point 14:49:47</p> <p>18 in time in which you provided to Mr. Murdica a 14:49:49</p> <p>19 matrix that specified how the ovarian cancer 14:49:53</p> <p>20 claims would be paid? 14:49:57</p> <p>21 MS. SLOCUM: Objection. Again, 14:49:59</p> <p>22 based on privilege, because now are you 14:50:01</p> <p>23 getting into the mediation? What are you 14:50:02</p> <p>24 getting into? This is a privilege. We have 14:50:07</p> <p>25 a mediation -- there was a mediation order. 14:50:10</p>
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<p>1 A. Birchfield, Esq.</p> <p>2 than in connection with this September 4, 14:48:36</p> <p>3 2020 agreement -- 14:48:39</p> <p>4 MR. HAAS: It's not privileged if 14:48:41</p> <p>5 he gave it to the other side. 14:48:43</p> <p>6 MR. HADDAD: You have to let -- 14:48:47</p> <p>7 you have to let -- 14:48:49</p> <p>8 MS. SLOCUM: Let me finish. 14:48:50</p> <p>9 MR. HAAS: She stopped. 14:48:52</p> <p>10 MR. HADDAD: No, she didn't. 14:48:53</p> <p>11 MR. HAAS: It's not your role. 14:48:56</p> <p>12 She can handle herself. 14:48:56</p> <p>13 MR. HADDAD: You have to stop 14:48:59</p> <p>14 interrupting counsel. 14:49:00</p> <p>15 MR. HAAS: You can finish your 14:49:01</p> <p>16 objection. 14:49:02</p> <p>17 MS. SLOCUM: That wasn't the 14:49:03</p> <p>18 question. You asked if he ever prepared 14:49:04</p> <p>19 one. 14:49:05</p> <p>20 MR. HAAS: Yes. 14:49:06</p> <p>21 MS. SLOCUM: You're changing it 14:49:07</p> <p>22 now, did he ever give one to Johnson &amp; 14:49:08</p> <p>23 Johnson. That's a different question. He 14:49:10</p> <p>24 can answer that question. He's not going to 14:49:12</p> <p>25 answer the first question on the basis of 14:49:14</p>	<p>1 A. Birchfield, Esq.</p> <p>2 And if this is relating to that, then you 14:50:13</p> <p>3 can't go into it. 14:50:17</p> <p>4 MR. HAAS: That's interesting. 14:50:18</p> <p>5 So, Counsel, let me just make sure it's very 14:50:19</p> <p>6 clear on the record. 14:50:21</p> <p>7 MS. SLOCUM: Sure. 14:50:22</p> <p>8 MR. HAAS: Okay. Even though I 14:50:23</p> <p>9 asked the question and he hasn't even 14:50:24</p> <p>10 answered it yet, your position is that any 14:50:28</p> <p>11 question relating to settlements, whether 14:50:32</p> <p>12 before a bankruptcy was filed or after a 14:50:37</p> <p>13 bankruptcy is filed, is subject to a 14:50:38</p> <p>14 privilege of -- settlement privilege that 14:50:43</p> <p>15 precludes him from answering? Is that your 14:50:45</p> <p>16 position? 14:50:47</p> <p>17 MS. SLOCUM: No, not at all. 14:50:47</p> <p>18 MR. HAAS: Okay. Let me ask the 14:50:48</p> <p>19 question again. And if you want to instruct 14:50:49</p> <p>20 him not to answer, please do so so we can 14:50:50</p> <p>21 move on. 14:50:52</p> <p>22 BY MR. HAAS: 14:50:53</p> <p>23 Q Mr. Birchfield, did there come a point 14:50:53</p> <p>24 in time ever that you provided Mr. Murdica with a 14:50:55</p> <p>25 matrix that specified how the ovarian claims 14:50:57</p>

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<p>1 A. Birchfield, Esq. 2 would be paid? 14:51:01 3 MR. HADDAD: Objection to the 14:51:03 4 form. 14:51:03 5 THE WITNESS: Yes. 14:51:04 6 BY MR. HAAS: 14:51:04 7 Q When did you do that? 14:51:05 8 A In January 2022. 14:51:09 9 Q Thank you. 14:51:13 10 So if you turn back to Page 1 of this 14:51:15 11 term sheet, at the bottom of the page, C, it 14:51:18 12 refers to Archer. It says Archer refers to 14:51:30 13 Archer Systems LLC. Do you see that? 14:51:33 14 A I do. 14:51:36 15 Q And if you turn to Page 3, Section V 14:51:48 16 titled Lien Resolution Administrator, it refers 14:51:56 17 to the entity appointed to resolve liens in 14:52:03 18 connection with a qualified claim submitted to 14:52:06 19 the QSF or to the trust. "Archer shall serve as 14:52:07 20 the lien resolution administrator"; see that? 14:52:13 21 A I see that. 14:52:16 22 Q So in this proposal, you proposed 14:52:17 23 Archer Systems would be the administrator; right? 14:52:20 24 MS. SLOCUM: Objection to form. 14:52:24 25 MR. HADDAD: Objection to the 14:52:25</p>	<p>1 A. Birchfield, Esq. 2 accurate -- because this was -- this was a 14:53:20 3 culmination of discussions that I and others 14:53:23 4 had had, you know, with Mr. Murdica. And 14:53:29 5 this was in 2020 and it's different today. 14:53:35 6 BY MR. HAAS: 14:53:38 7 Q Mr. Birchfield, in this proposal, the 14:53:38 8 term sheet that you sent over includes as a 14:53:44 9 proposed lien administrator Archer Systems; 14:53:47 10 correct? 14:53:51 11 A That is correct. 14:53:52 12 MR. HADDAD: Objection to the 14:53:52 13 form. 14:53:53 14 BY MR. HAAS: 14:53:53 15 Q Thank you. 14:53:53 16 Did you select Archer Systems as the 14:53:54 17 lien administrator for some nefarious reason, 14:53:57 18 such as it was the subsidiary of Fortress 14:54:00 19 Investments? 14:54:04 20 MS. SLOCUM: Objection. 14:54:05 21 MR. HADDAD: Objection to the 14:54:06 22 form. 14:54:06 23 BY MR. HAAS: 14:54:06 24 Q I'm not, by the way, the one who 14:54:08 25 contrived such a nefarious proposition. We've 14:54:09</p>
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<p>1 A. Birchfield, Esq. 2 form. 14:52:25 3 MR. HAAS: What was the objection 14:52:26 4 to form, sir? What was wrong with my 14:52:27 5 question? 14:52:30 6 MR. HADDAD: You're talking about 14:52:31 7 who's proposing something. 14:52:32 8 MR. HAAS: That's not even an 14:52:34 9 objection. 14:52:36 10 MR. HADDAD: Actually, that is an 14:52:36 11 objection. 14:52:37 12 MR. HAAS: It's not a valid 14:52:38 13 objection. 14:52:39 14 MR. PLACITELLA: Can you stop 14:52:45 15 acting like children? Come on. 14:52:46 16 MR. HAAS: There's no valid 14:52:48 17 objection whatever. 14:52:49 18 MR. PLACITELLA: Be pleasant. 14:52:54 19 THE WITNESS: Does it list Archer 14:52:57 20 here, yes. Did this proposal -- did this 14:52:58 21 proposal include -- you know, include input 14:53:00 22 from me as well as from Mr. Murdica? Yes. 14:53:04 23 So when you say, you know, that it is 14:53:08 24 Beasley Allen or Andy Birchfield that is 14:53:11 25 proposing Archer, that's not a full and 14:53:15</p>	<p>1 A. Birchfield, Esq. 2 heard that earlier today and at other times. So 14:54:13 3 I'm asking it in order to be responsive to the 14:54:15 4 arguments I'm hearing from the other side of the 14:54:19 5 table. So let me ask it again and see if I can 14:54:21 6 get an answer. 14:54:23 7 Did you propose Archer Systems for -- 14:54:24 8 because it was a subsidiary of Fortress? 14:54:26 9 MS. SLOCUM: Objection to form. 14:54:29 10 There's no testimony that he is the one that 14:54:30 11 selected Archer Systems. 14:54:34 12 MR. HAAS: Let me address that 14:54:36 13 objection and see if we can move this along. 14:54:38 14 BY MR. HAAS: 14:54:39 15 Q In the proposed term sheet that you 14:54:39 16 agreed to and sent over to Mr. Murdica that 14:54:41 17 listed Archer Systems, did you agree to have 14:54:45 18 Archer Systems in the term sheet because it was a 14:54:48 19 subsidiary of Fortress? 14:54:52 20 MR. HADDAD: Objection to the 14:54:54 21 form. 14:54:54 22 THE WITNESS: I have no idea that 14:54:57 23 Archer was a subsidiary of Fortress in 2020. 14:55:00 24 And the best of my recollection is that 14:55:05 25 Archer -- Archer was in this term sheet at 14:55:09</p>

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<p>1 A. Birchfield, Esq.</p> <p>2 Mr. Murdica's recommendation. I'm not 14:55:13</p> <p>3 saying that that's nefarious or not. I'm 14:55:17</p> <p>4 just telling you that this -- this term 14:55:19</p> <p>5 sheet was not the product of just something 14:55:23</p> <p>6 that I put together. It was a culmination 14:55:30</p> <p>7 of discussions that I had had with 14:55:33</p> <p>8 Mr. Murdica along the way. 14:55:36</p> <p>9 BY MR. HAAS: 14:55:37</p> <p>10 Q Mr. Birchfield, you agreed to this 14:55:37</p> <p>11 term sheet; right? In fact, you sent it over? 14:55:39</p> <p>12 A I did send this term sheet over, yes. 14:55:41</p> <p>13 Q With the provision of having Archer 14:55:43</p> <p>14 Systems in there? 14:55:45</p> <p>15 A That's different than what you asked. 14:55:46</p> <p>16 Q That's why I'm asking the question. 14:55:49</p> <p>17 A Okay. So yes, I did. I did send this 14:55:51</p> <p>18 term sheet to Mr. Murdica. 14:55:54</p> <p>19 Q You had no problem with Archer Systems 14:55:56</p> <p>20 being the administrator; right? 14:55:58</p> <p>21 MR. HADDAD: Objection to form. 14:56:01</p> <p>22 MS. SLOCUM: Objection. 14:56:01</p> <p>23 THE WITNESS: At that time I did 14:56:02</p> <p>24 not. 14:56:03</p> <p>25</p>	<p>1 A. Birchfield, Esq.</p> <p>2 point, it's -- I am the one who communicated 14:57:24</p> <p>3 it, but it was on behalf of the TCC, the 14:57:27</p> <p>4 ovarian cancer representatives of the TCC. 14:57:30</p> <p>5 BY MR. HAAS: 14:57:32</p> <p>6 Q Are you referring to your April 2021 14:57:33</p> <p>7 offer? 14:57:35</p> <p>8 A No. 14:57:38</p> <p>9 Q I'm not sure which one you're 14:57:39</p> <p>10 referring to. Which offer are you referring to? 14:57:40</p> <p>11 A There was -- in January of 2022. 14:57:44</p> <p>12 Q Okay, we'll get to that. Before we 14:57:50</p> <p>13 leave this one, just to be clear, you were 14:57:53</p> <p>14 proposing this 3.25 billion resolution of all 14:57:55</p> <p>15 ovarian cancer claims to be effectuated through 14:58:01</p> <p>16 Imerys; correct? The Imerys bankruptcy; correct? 14:58:06</p> <p>17 MS. SLOCUM: Objection. 14:58:10</p> <p>18 THE WITNESS: Yes. I was 14:58:10</p> <p>19 proposing that this be submitted, you know, 14:58:11</p> <p>20 to the Imerys committee for consideration, 14:58:13</p> <p>21 yes. 14:58:16</p> <p>22 BY MR. HAAS: 14:58:16</p> <p>23 Q And you were doing so because you were 14:58:23</p> <p>24 seeking a resolution of future claims which you 14:58:25</p> <p>25 understood would require channeling injunction 14:58:30</p>
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<p>1 A. Birchfield, Esq.</p> <p>2 BY MR. HAAS: 14:56:03</p> <p>3 Q Thank you. 14:56:12</p> <p>4 The August 2020 settlement offer that 14:56:12</p> <p>5 you made to resolve all the ovarian cancer claims 14:56:15</p> <p>6 for \$3.25 billion was not the last settlement 14:56:18</p> <p>7 offer you made; correct? 14:56:23</p> <p>8 MS. SLOCUM: Objection to form. 14:56:28</p> <p>9 MR. HADDAD: Objection to form. 14:56:29</p> <p>10 THE WITNESS: I mean, I just want 14:56:36</p> <p>11 to be -- I mean, I just want to be, you 14:56:39</p> <p>12 know, clear here. So there are -- I mean, 14:56:40</p> <p>13 at this point, you know, I was making -- I 14:56:44</p> <p>14 was making, you know, a proposal. I had 14:56:48</p> <p>15 been working with Mr. Murdica putting 14:56:51</p> <p>16 together a propose. After, you know, the -- 14:56:53</p> <p>17 after the LTL bankruptcy, you know, was 14:56:56</p> <p>18 filed, then there was a time when, you know, 14:57:00</p> <p>19 I communicated -- you know, I communicated a 14:57:03</p> <p>20 settlement, you know, demand on behalf of 14:57:08</p> <p>21 the ovarian cancer claim representatives on 14:57:10</p> <p>22 the TCC. 14:57:15</p> <p>23 So I just want to -- I just want 14:57:16</p> <p>24 to make sure, when you're talking about -- 14:57:18</p> <p>25 when you say "you," that it is -- at that 14:57:20</p>	<p>1 A. Birchfield, Esq.</p> <p>2 through the Imerys bankruptcy to resolve; right? 14:58:33</p> <p>3 MS. SLOCUM: Objection. 14:58:37</p> <p>4 MR. HADDAD: Instruct him not to 14:58:39</p> <p>5 answer. 14:58:40</p> <p>6 MR. PLACITELLA: I have to put an 14:58:42</p> <p>7 objection on the record, respectfully. To 14:58:43</p> <p>8 the extent that you're asking questions 14:58:45</p> <p>9 about Imerys and what happened inside 14:58:46</p> <p>10 Imerys, I have an issue with that because 14:58:49</p> <p>11 I'm on the Imerys committee. 14:58:50</p> <p>12 Just let me finish. Okay. 14:58:53</p> <p>13 It's my understanding that 14:58:55</p> <p>14 anything that happened under the umbrella of 14:58:56</p> <p>15 the Imerys committee is subject to 14:58:59</p> <p>16 confidentiality and privilege, so if that's 14:59:02</p> <p>17 where you're going, then I think we're going 14:59:05</p> <p>18 to have to get a ruling from the judge in 14:59:07</p> <p>19 charge of everything. If you're not going 14:59:11</p> <p>20 there, I'll shut up, but it sounded like 14:59:13</p> <p>21 that's where you're going. 14:59:15</p> <p>22 MR. HAAS: It's not. And thank 14:59:16</p> <p>23 you for that. So let me be clear, because I 14:59:17</p> <p>24 already clarified at the inception of these 14:59:19</p> <p>25 questions, I'm asking about the proposal he 14:59:23</p>

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<p>1 A. Birchfield, Esq.</p> <p>2 A They returned a verdict -- a defense 16:37:18</p> <p>3 verdict. You asked me if I knew how long it took 16:37:20</p> <p>4 and I said I do not know. You asserted that it 16:37:22</p> <p>5 was less than an hour. I said I don't dispute 16:37:24</p> <p>6 that. 16:37:26</p> <p>7 Q All right. We're good. Let's talk 16:37:27</p> <p>8 about the Forrest case. 16:37:29</p> <p>9 Do you know where that case was tried? 16:37:30</p> <p>10 A I believe the Forrest case was also 16:37:34</p> <p>11 tried in St. Louis, but I cannot say that with 16:37:38</p> <p>12 certainty. 16:37:40</p> <p>13 Q And just before I move to the Forrest 16:37:41</p> <p>14 case, in terms of the Giese, Trentman and Vogeler 16:37:44</p> <p>15 case, you had co-counsel in that case; right, 16:37:47</p> <p>16 sir? 16:37:50</p> <p>17 A Yes. 16:37:50</p> <p>18 Q All right. And was Ashcraft &amp; Gerel 16:37:51</p> <p>19 involved in that case with you folks? Michelle 16:37:56</p> <p>20 Parfitt? 16:38:01</p> <p>21 A Michelle Parfitt has served as 16:38:04</p> <p>22 co-counsel in some of these trials and has put on 16:38:07</p> <p>23 experts. I'm not sure. I cannot say with 16:38:11</p> <p>24 certainty. I believe she was involved in the 16:38:13</p> <p>25 Giese trial, but I cannot say that with 16:38:15</p>	<p>1 A. Birchfield, Esq.</p> <p>2 BY MS. BROWN: 16:39:03</p> <p>3 Q All right. And in the Forrest case, 16:39:04</p> <p>4 you and your team put before the jury a request 16:39:05</p> <p>5 for medical expenses of approximately 16:39:09</p> <p>6 \$260,000.00; right, sir? 16:39:11</p> <p>7 MR. O'DELL: Object to the form. 16:39:14</p> <p>8 Which case? 16:39:15</p> <p>9 MS. SLOCUM: Object to the form. 16:39:16</p> <p>10 MS. BROWN: We're up to Forrest. 16:39:17</p> <p>11 We're going down the list. 16:39:20</p> <p>12 MS. O'DELL: Excuse me. 16:39:22</p> <p>13 MS. BROWN: No worries. 16:39:23</p> <p>14 BY MS. BROWN: 16:39:24</p> <p>15 Q Is that right, sir, if you look where 16:39:24</p> <p>16 the Fortress line is on the chart? 16:39:27</p> <p>17 A Yes. 16:39:28</p> <p>18 Q All right. And that jury awarded \$0; 16:39:28</p> <p>19 right? 16:39:30</p> <p>20 A Yes. 16:39:30</p> <p>21 Q That was also a defense verdict in the 16:39:31</p> <p>22 City of St. Louis; right? 16:39:33</p> <p>23 A Yes. 16:39:35</p> <p>24 Q And in terms of the Fox, Giannecchini, 16:39:35</p> <p>25 Ristesund and Slempt cases, all of those cases 16:39:40</p>
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<p>1 A. Birchfield, Esq.</p> <p>2 certainty. 16:38:18</p> <p>3 Q Okay. Certainly Allen Smith was 16:38:18</p> <p>4 involved; right? He opened and closed in that 16:38:20</p> <p>5 case? 16:38:22</p> <p>6 A That's my understanding, yes. 16:38:23</p> <p>7 Q Okay. And he's the one who has the 16:38:23</p> <p>8 funding from Fortress; right? 16:38:26</p> <p>9 MR. HADDAD: Objection to the 16:38:31</p> <p>10 form. 16:38:32</p> <p>11 MS. SLOCUM: Objection to the 16:38:32</p> <p>12 form. 16:38:32</p> <p>13 THE WITNESS: To the best of my 16:38:34</p> <p>14 view, that's my understanding. 16:38:35</p> <p>15 BY MS. BROWN: 16:38:36</p> <p>16 Q The Forrest case, your team was also 16:38:37</p> <p>17 teamed up with Allen Smith on that case as well; 16:38:41</p> <p>18 right, sir? 16:38:44</p> <p>19 A I think that's correct. 16:38:46</p> <p>20 Q And I thought there were also some 16:38:47</p> <p>21 folks from the Onder firm, too; right? 16:38:49</p> <p>22 MS. SLOCUM: Objection to form. 16:38:52</p> <p>23 Is that a question? 16:38:56</p> <p>24 THE WITNESS: I believe the Onder 16:38:58</p> <p>25 law firm, you know, served as local counsel. 16:38:59</p>	<p>1 A. Birchfield, Esq.</p> <p>2 were reversed on appeal; right? 16:39:44</p> <p>3 A Yes. I mean, you know, the Fox 16:39:48</p> <p>4 verdict was a 72 million-dollar verdict. The 16:39:52</p> <p>5 Giannecchini, I believe, was 55. Ristesund, I 16:39:55</p> <p>6 believe, was -- I believe that was 70. And 16:40:02</p> <p>7 Slempt, maybe 110. I believe that's correct. 16:40:07</p> <p>8 Those cases -- those cases were vacated based on 16:40:10</p> <p>9 the BMS Supreme Court decision on personal 16:40:15</p> <p>10 jurisdiction. But those cases -- so those cases 16:40:18</p> <p>11 are refiled and currently pending. 16:40:22</p> <p>12 Q Right. But in terms of what's 16:40:25</p> <p>13 important to an individual claimant, right, the 16:40:26</p> <p>14 amount of money that ultimately went to these 16:40:29</p> <p>15 individuals, it was \$0; right, sir? 16:40:33</p> <p>16 MS. BROWN: Objection to form. 16:40:36</p> <p>17 MR. HADDAD: Objection. 16:40:37</p> <p>18 THE WITNESS: So far. So far. 16:40:37</p> <p>19 BY MS. BROWN: 16:40:38</p> <p>20 Q And the Brower case that case you 16:40:39</p> <p>21 listed here for medical bills of 1.2 million 16:40:41</p> <p>22 dollars; right, sir? 16:40:44</p> <p>23 A Yes. 16:40:46</p> <p>24 Q All right. And that case ended in a 16:40:46</p> <p>25 mistrial; right? 16:40:49</p>




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4	ANDY BIRCHFIELD, ESQ.	PAGE	
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1	A. Birchfield, Esq.
2	CERTIFICATION
3	I, Randi Friedman, Registered
4	Professional Reporter and Notary Public of the
5	State of New York, do hereby certify:
6	THAT, the witness whose testimony is herein
7	before set forth, was duly sworn by me, and
8	THAT, the within transcript is a true record of
9	the testimony given by said witness.
10	I further certify that I am not related
11	either by blood or marriage to any of the parties
12	to this action; and that I am in no way
13	interested in the outcome of this matter.
14	IN WITNESS WHEREOF, I have hereunto set my
15	hand this 18th day of April, 2023.
16	
17	
18	
19	Randi Friedman, RPR
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1	ERRATA SHEET
2	VERITEXT/NEW YORK REPORTING, LLC
3	CASE NAME: In Re: LTL Management, LLC. v.
4	DATE OF DEPOSITION: 4/17/2023
5	WITNESSES' NAME: Andy Birchfield
6	PAGE
7	LINE (S)
8	CHANGE
9	REASON
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22	Andy Birchfield
23	SUBSCRIBED AND SWORN TO BEFORE ME
24	THIS ____ DAY OF _____, 20__.
25	(NOTARY PUBLIC) MY COMMISSION EXPIRES: